

**IN THE CLAIMS:**

1. (Currently amended) A surgical instrument assembly for securing an implant to a vertebral level, comprising:

an inserter instrument including a proximal handle assembly, a shaft assembly extending along a longitudinal axis of said inserter instrument and operably coupled between said handle assembly and a distal holder assembly, said holder assembly being removably engageable to the implant and remotely movable with said handle assembly to orient the implant along a selected one of any number of implantation axes, wherein said holder assembly includes a housing member mounted to said shaft assembly, said housing assembly extending proximally from the implant along said selected implantation axis; and

a driving instrument engageable with said holder assembly and adapted to deliver a driving force to said housing assembly to move the implant along said selected implantation axis while said holder assembly is engaged with said implant.

2. (Currently amended) The surgical instrument assembly of claim 1, wherein ~~said shaft assembly extends along a longitudinal axis of said inserter instrument, and~~ said holder assembly is movable relative to orient said implantation axis at an angle relative to said longitudinal axis.

3. (Original) The surgical instrument assembly of claim 2, wherein said orientation ranges from a first position orthogonal to said longitudinal axis to a second position substantially co-linear with said longitudinal axis.

4. (Original) The surgical instrument assembly of claim 1, wherein said holder assembly is pivotally coupled about a distal end of said shaft assembly.

5. (Original) The surgical instrument assembly of claim 4, wherein said holder assembly includes a pair of clamping members pivotally coupled to one another, said clamping members each including a distal gripping portion, said clamping members pivotal to move said distal

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gripping portions toward one another to engage the implant received therebetween and further being pivotal to move said distal gripping portions away from one another to release the implant engaged therebetween.

6. (Original) The surgical instrument assembly of claim 5, wherein said distal end of said shaft assembly comprises a camming member rotatable about said longitudinal axis between an engagement position and a release position.

7. (Original) The surgical instrument assembly of claim 6, comprising a retainer positioned about said camming member and a pair of opposite engagement members positioned in said retainer in contact with said camming member, wherein in said engagement position said engagement members project from said retainer into contact with a proximal extension of an adjacent one of said clamping members to move said distal gripping portions toward one another.

8. (Original) The surgical instrument assembly of claim 7, wherein in said release position said engagement members move toward one another into said retainer allowing said proximal extension to move toward one another and pivoting said distal gripping portions away from one another.

9. (Currently amended) The surgical instrument assembly of claim 8, wherein:  
said ~~holder assembly includes a housing member~~ is pivotally linked to said shaft assembly;

said clamping members are pivotally coupled to a distal end of said housing member; and  
said retainer is positioned in said housing member, said housing member including openings aligned with and receiving respective ones of the engagement members therethrough in said engagement position and said release position.

Claim 10 (Cancelled)

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11. (Currently amended) The surgical instrument assembly of claim 9, ~~claim 10~~, wherein said housing member includes a proximal end opening and said driving instrument is engageable in said proximal end opening to deliver said driving force thereto.

12. (Original) The surgical instrument assembly of claim 7, wherein said holder assembly is pivotally coupled to said engagement members.

13. (Currently amended) The surgical instrument assembly of claim 5, wherein said ~~holder assembly includes a housing member~~ is pivotally linked to said shaft assembly, said clamping members further being pivotally coupled to a distal end of said housing member.

14. (Original) The surgical instrument assembly of claim 13, wherein said housing member includes a proximal end opening and said driving instrument is engageable in said proximal end opening to deliver said driving force thereto.

15. (Original) The surgical instrument assembly of claim 1, wherein said shaft assembly includes a first member and a second member, said second member extending through said first member.

16. (Currently amended) The surgical instrument assembly of claim 15, wherein said handle assembly includes a first handle pivotally coupled to a second handle, said first member being coupled to said second ~~first~~ member and longitudinally movable relative to said second member in response to pivoting movement of said first handle relative to said first handle.

17. (Original) The surgical instrument assembly of claim 16, wherein said second member is coupled to said second handle and rotatable relative thereto about said longitudinal axis.

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18. (Original) The surgical instrument assembly of claim 1, wherein said inserter instrument is insertable through a first port in the patient to position the implant at an implantation location and said driving instrument is insertable through a second, smaller port to engage said holder assembly at the implantation location.

Claims 19-38 (Cancelled)

39. (New) A surgical instrument assembly for securing an implant to a vertebral level, comprising:

an inserter instrument including a proximal handle assembly, a shaft assembly extending along a longitudinal axis of said inserter instruments and operably coupled between said handle assembly and a distal holder assembly, said holder assembly being removably engageable to the implant and remotely movable with said handle assembly to orient the implant along a selected one of any number of implantation axes, wherein said holder assembly is pivotally coupled about a distal end of said shaft assembly and includes a pair of clamping members pivotally coupled to one another, said clamping members each including a distal gripping portion, said clamping members pivotal to move said distal gripping portions toward one another to engage the implant received therebetween and further being pivotal to move said distal gripping portions away from one another to release the implant engaged therebetween, wherein said distal end of said shaft assembly comprises a camming member rotatable about said longitudinal axis between an engagement position and a release position; and

a driving instrument engageable with said holder assembly and adapted to deliver a driving force to the implant along said implantation axis while said holder assembly is engaged with said implant.

40. (New) The surgical instrument assembly of claim 39, wherein said holder assembly is movable relative to orient said implantation axis at an angle relative to said longitudinal axis.

41. (New) The surgical instrument assembly of claim 40, wherein said orientation ranges

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from a first position orthogonal to said longitudinal axis to a second position substantially co-linear with said longitudinal axis.

42. (New) The surgical instrument assembly of claim 39, comprising a retainer positioned about said camming member and a pair of opposite engagement members positioned in said retainer in contact with said camming member, wherein in said engagement position said engagement members project from said retainer into contact with a proximal extension of an adjacent one of said clamping members to move said distal gripping portions toward one another.

43. (New) The surgical instrument assembly of claim 42, wherein in said release position said engagement members move toward one another into said retainer allowing said proximal extension to move toward one another and pivoting said distal gripping portions away from one another.

44. (New) The surgical instrument assembly of claim 43, wherein:  
said holder assembly includes a housing member pivotally linked to said shaft assembly;  
said clamping members are pivotally coupled to a distal end of said housing member; and  
said retainer is positioned in said housing member, said housing member including openings aligned with and receiving respective ones of the engagement members therethrough in said engagement position and said release position.

45. (New) The surgical instrument assembly of claim 44, wherein said housing member includes a proximal end opening and said driving instrument is engageable in said proximal end opening to deliver said driving force thereto.

46. (New) The surgical instrument assembly of claim 42, wherein said holder assembly is pivotally coupled to said engagement members.

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47. (New) The surgical instrument assembly of claim 39, wherein said shaft assembly includes a first member and a second member, said second member extending through said first member.

48. (New) The surgical instrument assembly of claim 47, wherein said handle assembly includes a first handle pivotally coupled to a second handle, said first member being coupled to said second member and longitudinally movable relative to said second member in response to pivoting movement of said first handle relative to said first handle.

49. (New) The surgical instrument assembly of claim 48, wherein said second member is coupled to said second handle and rotatable relative thereto about said longitudinal axis.

50. (New) The surgical instrument assembly of claim 39, wherein said inserter instrument is insertable through a first port in the patient to position the implant at an implantation location and said driving instrument is insertable through a second, smaller port to engage said holder assembly at the implantation location.

51. (New) A surgical instrument assembly for securing an implant to a vertebral level, comprising:

an inserter instrument including a proximal handle assembly, a shaft assembly extending along a longitudinal axis of said inserter instrument and operably coupled between said handle assembly and a distal holder assembly, said holder assembly being removably engageable to the implant and remotely movable with said handle assembly to orient the implant along a selected one of any number of implantation axes, wherein said holder assembly:

is pivotally coupled about a distal end of said shaft assembly;

includes a pair of clamping members pivotally coupled to one another, said clamping members each including a distal gripping portion, said clamping members pivotal to move said distal gripping portions toward one another to engage the implant received therebetween and further being pivotal to move said distal gripping portions

away from one another to release the implant engaged therebetween;  
includes a housing member pivotally linked to said shaft assembly, said clamping members further being pivotally coupled to a distal end of said housing member; and  
a driving instrument engageable with said holder assembly and adapted to deliver a driving force to the implant along said implantation axis while said holder assembly is engaged with said implant.

52. (New) The surgical instrument assembly of claim 51, wherein said housing member includes a proximal end opening and said driving instrument is engageable in said proximal end opening to deliver said driving force thereto.

53. (New) The surgical instrument assembly of claim 51, wherein said shaft assembly includes a first member and a second member, said second member extending through said first member.

54. (New) The surgical instrument assembly of claim 53, wherein said handle assembly includes a first handle pivotally coupled to a second handle, said first member being coupled to said second member and longitudinally movable relative to said second member in response to pivoting movement of said first handle relative to said first handle.

55. (New) The surgical instrument assembly of claim 54, wherein said second member is coupled to said second handle and rotatable relative thereto about said longitudinal axis.

56. (New) The surgical instrument assembly of claim 51, wherein said inserter instrument is insertable through a first port in the patient to position the implant at an implantation location and said driving instrument is insertable through a second, smaller port to engage said holder assembly at the implantation location.

57. (New) The surgical instrument assembly of claim 51, wherein said holder assembly

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is movable relative to orient said implantation axis at an angle relative to said longitudinal axis.

58. (New) The surgical instrument assembly of claim 57, wherein said orientation ranges from a first position orthogonal to said longitudinal axis to a second position substantially co-linear with said longitudinal axis.

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